

DISCLAIMER

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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JULY 28, 2000

APPLICATION OF

GTE SOUTH INCORPORATED

CASE NO. PUC000027

For approval of its tariff  
filing to introduce  
collocation service

PROTECTIVE ORDER

On July 17, 2000, GTE South Incorporated ("GTE"), by counsel, filed its Request For Protective Order which would apply to documents filed in response to the Commission's Orders in this Case. Having considered GTE's Request, the Commission now finds that a protective order should be issued.

Accordingly, IT IS ORDERED THAT any documents and materials filed or produced by GTE for itself or its affiliates in this proceeding that are designated by GTE as confidential or proprietary (collectively, "confidential"), shall be examined and used only in accordance with the following conditions:

- (1) All designated confidential documents and materials produced to other parties in this proceeding shall be used solely for the purposes of this proceeding.
- (2) Access to these documents and materials shall be specifically limited to the Staff or other parties,

their counsel and support personnel who are working directly on this case under the direction of counsel and to whom it is necessary that the designated confidential documents and materials be shown for the purposes of this proceeding, and to the expert witness or witnesses of the Staff or other parties, so long as each such person, other than Staff, has executed Attachment A to this Protective Order.

- (3) In the event that other parties seek permission to grant access to any designated confidential documents or materials produced by GTE to any person other than the persons described in paragraph (2) above, the party desiring permission shall seek a Stipulation from counsel for GTE. In the event of a negative response, the party seeking disclosure permission may, upon three (3) days' notice to GTE, apply to the Commission for such permission.
- (4) GTE shall be under no obligation to furnish designated confidential documents or materials to persons other than those designated in paragraph 2 unless specifically ordered by the Commission to do so.
- (5) In no event, however, shall this Protective Order obligate GTE to divulge trade secrets or other

proprietary research, development, or competitively sensitive information to other parties.

(6) The Clerk of the Commission is directed to maintain under seal all documents and materials filed with the Commission in this proceeding which have been designated, in whole or in part, as confidential by GTE.

(7) In the event the Staff or other parties seek to introduce testimony, exhibits, or studies of one of its expert witnesses that disclose information that is contained in the documents and materials that GTE has produced and specifically designated as confidential pursuant to this Order, the Staff or other parties by its counsel, shall:

(a) so notify GTE's counsel and this Commission at least three (3) days in advance of (i) the filing with the Commission of prefiled testimony or (ii) the hearing for testimony not prefiled; and

(b) file such testimony, exhibits, or studies with the Commission and serve on (i) counsel of record or (ii) parties of record, if not represented by counsel, copies of the testimony, exhibits, or studies deleting those parts that contain references to or portions of the designated

confidential documents or materials. The testimony, exhibits, or studies filed with the Commission shall be kept under seal until such time, upon motion or otherwise, that the Commission rules to the contrary. Each counsel and party of record may, upon signing Attachment A to this Protective Order, receive a copy of those parts of the testimony, exhibits, or studies that contain references to or portions of the designated confidential documents or materials, and each counsel and party shall be bound by this Order insofar as it restricts the use of and granting of access to the information designated by GTE as confidential.

- (8) Oral testimony regarding documents and materials designated as confidential by GTE, if ruled admissible by the Commission, will be taken in camera, and that portion of the transcript recording such testimony shall be placed in the record under seal.
- (9) No person authorized under this Protective Order to have access to the designated confidential documents and materials of GTE shall disseminate, communicate, or reveal any such documents and materials to any

person not specifically authorized under this Protective Order to have access.

- (10) At the conclusion of this proceeding (including any appeals), any originals or reproductions of any designated confidential documents and materials produced to other parties by GTE pursuant to this Order shall be returned to GTE. Insofar as the provisions of this Protective Order restrict the communications and use of the documents produced thereunder, such restrictions shall continue to be binding after the conclusion of this proceeding (including any appeals) as to the information contained within such documents.
- (11) This Protective Order does not preclude the Staff or any other party from arguing that the documents or materials received under this Order are not confidential. In the event the Staff or other party desires to make such an assertion, its counsel shall so notify GTE, its counsel, and the Commission at least three (3) days in advance of (i) the filing with the Commission of prefiled testimony or (ii) the hearing for testimony not prefiled.

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AGREEMENT TO ADHERE TO PROTECTIVE ORDER

I, \_\_\_\_\_, on behalf of and representing  
\_\_\_\_\_, hereby acknowledge having read and  
understood the terms of the Protective Order entered by the  
State Corporation Commission of Virginia in this case and agree  
to treat all documents and materials designated as confidential  
or proprietary by GTE South Incorporated that I receive in  
connection with this case as set forth in the Protective Order.

Name: \_\_\_\_\_

On behalf of: \_\_\_\_\_